



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,621	08/17/2001	Yuichiro Deguchi	SONY-02800	6301
36813	7590	01/04/2006	EXAMINER	
O'BANION & RITCHEY LLP/ SONY ELECTRONICS, INC.			HASHEM, LISA	
400 CAPITOL MALL			ART UNIT	
SUITE 1550			PAPER NUMBER	
SACRAMENTO, CA 95814			2645	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/932,621	DEGUCHI, YUICHIRO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lisa Hashem	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The affidavit filed on 11-04-2005 under 37 CFR 1.131 is sufficient to overcome the Tree and Deguchi references.
2. The Office Action mailed on 6-2-2005 is vacated because the affidavit filed on 11-04-2005 under 37 CFR 1.131 is sufficient to overcome the Tree and Deguchi references. The response to the Amendment filed 11-17-2004 is a Non-Final Office Action and is set forth below. Please disregard the Office Action mailed on 6-2-2005.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4-10, 15-22, 24-26, 28-36, and 38-43 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,714,797 by Rautila.

Regarding claim 1, Rautila discloses a data marker integrated device communication system (Fig. 1), comprising:

a data marker integrated device (e.g. hotspot device) (Fig. 1, 70) configured to store one or more data marks (col. 1, lines 35-41; col. 4, lines 40-63; col. 5, line 39 – col. 8, line 3);

a network device (e.g. mobile) (Fig. 1, 10) configured to establish wireless communication with the data marker integrated device to receive said one or more data marks from said data marker integrated device (col. 4, lines 14-63; col. 5, line 39 – col. 8, line 3); and

a server terminal (e.g. Internet server, electronic shop server, computer) (Fig. 1, 40) configured to connect to said network device for data communication (col. 4, lines 29-45; col. 5, line 61 – col. 6, line 40; col. 8, lines 37-48).

Regarding claim 4, the system of claim 1, wherein Rautila further discloses said network device includes one of a wireless application protocol (WAP) enabled mobile telephone, an I-mode mobile telephone, and an Internet access enabled personal digital assistant (col. 4, lines 14-26).

Regarding claim 5, the system of claim 1, wherein Rautila further discloses said wireless communication between said network device and said data marker integrated device is established with Bluetooth communication protocol (col. 2, lines 5-43; col. 5, lines 9-22).

Regarding claim 6, the system of claim 1, wherein Rautila further discloses said data marker integrated device inherently includes an interface unit configured to establish wireless communication under Bluetooth communication protocol (col. 2, lines 5-43; col. 4, lines 45-53; col. 5, lines 20-22; col. 6, lines 41-50).

Regarding claim 7, the system of claim 6, wherein Rautila further discloses said network device includes an interface unit (Fig. 2, 210) configured to establish wireless communication under Bluetooth communication protocol (col. 5, lines 15-19).

Regarding claim 8, the system of claim 7, wherein Rautila further discloses said Bluetooth communication protocol operates at approximately 2.4 GHz (col. 2, lines 5-43).

Regarding claim 9, the system of claim 1, wherein Rautila further discloses said data marker integrated device is inherently configured to transmit device identification code to said network device (col. 2, lines 19-23; col. 4, lines 48-53; col. 7, lines 27-35).

Regarding claim 10, the system of claim 1, wherein Rautila further discloses said server terminal is configured to receive said one or more data marks from said network device (col. 8, lines 37-48).

Regarding claim 15, the system of claim 1, wherein Rautila further discloses a user terminal configured to connect to said server terminal (col. 1, lines 16-55; col. 8, lines 37-48).

Regarding claim 16, the system of claim 15, wherein Rautila further discloses said user terminal includes one of a desktop computer, a laptop computer, and a handheld computer (col. 1, lines 16-55; col. 8, lines 37-48).

Regarding claim 17, the system of claim 15, wherein Rautila further discloses said user terminal is inherently connected to said server terminal via TCP/IP protocol (col. 1, lines 16-55; col. 8, lines 37-48).

Regarding claim 18, the system of claim 15, wherein Rautila further discloses said user terminal is configured to receive information corresponding to said one or more data marks from said server terminal (col. 1, lines 16-55; col. 8, lines 37-48).

Regarding claim 19, the system of claim 18, wherein Rautila further discloses said information corresponding to said one or more data marks includes one or more of a name of a broadcast music clip corresponding to said one or more data marks, a name of the artist of a broadcast music clip corresponding to said one or more data marks, a name of the album of a broadcast music clip corresponding to said one or more data marks, and a purchase information for a music album corresponding to a broadcast music clip related to said one or more data marks (col. 1, lines 35-41; col. 5, line 61 – col. 6, line 24).

Regarding claim 20, Rautila discloses a method, comprising:

Art Unit: 2645

receiving one or more stored data marks via a wireless communication path (col. 1, lines 35-41; col. 6, line 41 – col. 8, line 3);  
establishing a connection to a server terminal; and  
transmitting said received one or more data marks using said established connection (col. 8, lines 37-48).

Regarding claim 21, the method of claim 20, wherein Rautila further discloses said wireless communication path includes a wireless communication link under Bluetooth communication protocol (col. 2, lines 5-40; col. 5, lines 9-22).

Regarding claim 22, the method of claim 20, wherein Rautila further discloses including inherently receiving a device identification code via said wireless communication path (col. 2, lines 19-23; col. 4, lines 48-53; col. 6, lines 25-40; col. 7, lines 27-35).

Regarding claim 24, the method of claim 20, wherein Rautila further discloses said connection includes a wireless application protocol connection (col. 4, lines 17-26).

Regarding claim 25, the method of claim 20, wherein Rautila further discloses including transmitting a transmission acknowledgement message via said connection (col. 7, lines 3-5).

Regarding claim 26, the method of claim 25, wherein Rautila further discloses including inherently displaying said transmission acknowledgement message (col. 7, lines 3-5).

Regarding claim 28, the method of claim 20, wherein Rautila further discloses including retrieving information corresponding to said one or more data marks (col. 6, line 41 – col. 7, line 21).

Regarding claim 29, the method of claim 28, wherein Rautila further discloses including transmitting said retrieved information to a user terminal (col. 1, lines 16-55; col. 8, lines 37-48).

Regarding claim 30, the method of claim 28, wherein Rautila further discloses said retrieved information includes one or more of a name of a broadcast music clip corresponding to said one or more data marks, a name of the artist of a broadcast music clip corresponding to said one or more data marks, a name of the album of a broadcast music clip corresponding to said one or more data marks, and a purchase information for the purchase of a music album of a broadcast music clip corresponding to said one or more data marks (col. 1, lines 35-41; col. 5, line 61 – col. 6, line 24).

Regarding claim 31, Rautila discloses a method, comprising:  
storing a data mark;  
transmitting said stored data mark via a Bluetooth protocol connection (col. 1, lines 35-41; col. 2, lines 5-40; col. 5, lines 9-22; col. 6, line 41 – col. 7, line 21);  
receiving said transmitted data mark; and  
transmitting said received data mark via a wireless connection (col. 8, lines 37-48).

Regarding claim 32, the method of claim 31, wherein Rautila further discloses including receiving a device identification code via said wireless connection (col. 2, lines 19-23; col. 4, lines 48-53; col. 6, lines 25-40; col. 7, lines 27-35).

Regarding claim 33, the method of claim 31, wherein Rautila further discloses including transmitting a device identification code via said wireless connection (col. 2, lines 19-23; col. 4, lines 48-53; col. 6, lines 25-40; col. 7, lines 27-35).

Regarding claim 34, the method of claim 31, wherein Rautila further discloses said wireless connection includes a wireless application protocol connection (col. 4, lines 17-26).

Regarding claim 35, the method of claim 31 further including receiving a transmission acknowledgement message via said wireless connection (col. 7, lines 3-5).

Regarding claim 36, the method of claim 35 further including inherently displaying said received transmission acknowledgement message (col. 7, lines 3-5).

Regarding claim 38, the method of claim 31, wherein Rautila further discloses including retrieving information corresponding to said data mark (col. 6, line 41 – col. 7, line 21).

Regarding claim 39, the method of claim 38, wherein Rautila further discloses including transmitting said retrieved information to a user terminal (col. 1, lines 16-55; col. 8, lines 37-48).

Regarding claim 40, the method of claim 38, wherein Rautila further discloses including displaying said retrieved information (col. 5, lines 15-22; col. 5, line 61 – col. 6, line 4; col. 6, lines 64-67).

Regarding claim 41, the method of claim 38, wherein Rautila further discloses said retrieved information includes one of a name of a music clip corresponding to said data mark, a name of a music album corresponding to said data mark, a name of the artist for a music clip corresponding to said data mark, and a purchase information for the purchase of a music album corresponding to said data mark (col. 1, lines 35-41; col. 5, line 61 – col. 6, line 24).

Regarding claim 42, Rautila discloses a data marker integrated device communication system (Fig. 1), comprising:

means for receiving one or more stored data marks via a wireless communication path (col. 1, lines 35-41; col. 6, line 41 – col. 7, line 21);

means for establishing a connection to a server terminal; and

Art Unit: 2645

means for transmitting said received one or more data marks using said established connection (col. 8, lines 37-48).

Regarding claim 43, Rautila discloses a data marker integrated device communication system (Fig. 1), comprising:

means for storing a data mark;

means for transmitting said stored data mark via a Bluetooth protocol connection (col. 1, lines 35-41; col. 2, lines 5-40; col. 5, lines 9-22; col. 6, line 41 – col. 7, line 21);

means for receiving said transmitted data mark; and

means for transmitting said received data mark via a wireless connection (col. 8, lines 37-48).

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 11-14, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila in further U.S. Patent No. 6,650,877 by Tarbouriech et al, hereinafter Tarbouriech.

Regarding claim 2, the system of claim 1, wherein Rautila does not disclose each of said one or more data marks includes a time stamp information.

Tarbouriech discloses a data marker integrated device communication system (Fig. 6), comprising:

Art Unit: 2645

a data marker integrated device (e.g. sensing unit) (Fig. 6, 70) configured to store one or more data marks; wherein Tarbouriech further discloses each of said one or more data marks includes a time stamp information (col. 5, line 43 – col. 6, line 5).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Rautila to include each of said one or more data marks includes a time stamp information as taught by Tarbouriech. One of ordinary skill in the art would have been lead to make such a modification to provide time-related information regarding when the data mark was activated.

Regarding claim 11, the system of claim 10, wherein Rautila further discloses said data marker integrated device is further configured to transmit a transmission acknowledgement message to said network device (col. 7, lines 3-5).

Rautila does not disclose said server terminal is further configured to transmit a transmission acknowledgement message to said network device.

Tarbouriech discloses a data marker integrated device communication system (Fig. 6), comprising:

a data marker integrated device (e.g. sensing unit) (Fig. 6, 70) configured to store one or more data marks (col. 5, line 43 – col. 6, line 5). Wherein Tarbouriech further discloses a server terminal is configured to receive said one or more data marks from said network device and said server terminal is further configured to transmit a transmission acknowledgement message to said network device (col. 7, lines 20-48; col. 17, lines 25-53).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Rautila to include said server terminal is further configured to

transmit a transmission acknowledgement message to said network device as taught by Tarbouriech. One of ordinary skill in the art would have been lead to make such a modification to provide notification from a server terminal to a network device that a transmission of one or more data marks is complete.

Regarding claim 12, the system of claim 11, wherein Tarbouriech further discloses said network device is configured to display said transmission acknowledgement message (col. 17, lines 41-45).

Regarding claim 13, the system of claim 11, wherein Rautila further discloses said network device is configured to inherently transmit said transmission acknowledgement message to said data marker integrated device (co. 7, lines 3-21).

Regarding claim 14, the system of claim 13, wherein Tarbouriech further discloses said data marker integrated device is configured to delete said stored one or more data marks after inherently receiving said transmission acknowledgement message from said network device (col. 17, lines 43-53).

Regarding claim 23, the method of claim 22, wherein Rautila does not disclose including transmitting said device identification code using said established connection to said server terminal.

Tarbouriech discloses a method, comprising:  
a data marker integrated device (e.g. sensing unit) (Fig. 6, 70) configured to store one or more data marks (col. 5, line 43 – col. 6, line 5); wherein Tarbouriech further discloses receiving a device identification code via a wireless communication path (Fig. 6: 60, 70) and further

Art Unit: 2645

including transmitting said device identification code using said established connection to a server terminal (Fig. 6, 50) (col. 7, lines 20-48).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Rautila to include including transmitting said device identification code using said established connection to said server terminal as taught by Tarbouriech. One of ordinary skill in the art would have been lead to make such a modification to provide the device identification code to said server terminal to identify the device storing said data marks.

7. Claims 3, 27, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila in further U.S. Patent Application Publication No. US 2001/0049262 by Lehtonen.

Regarding claim 3, the system of claim 1, wherein Rautila does not disclose said data marker integrated device includes one of an electronic music marker integrated radio and an electronic music marker integrated audio playback device.

Lehtonen discloses a data marker integrated device communication system (Fig. 3), comprising:

a data marker integrated device (Fig. 3, 21) configured to store one or more data marks (section 0030, line 1 – section 0031, line 13);

a network device (Fig. 3, 22) configured to establish wireless communication with the data marker integrated device to receive said one or more data marks from said data marker integrated device (section 0037, line 1 – section 0039, line 10); and

the Internet configured to connect to said network device for data communication (section 0036, lines 1-11; section 0041, lines 4-8).

Wherein Lehtonen further discloses said data marker integrated device includes one of an electronic music marker integrated radio and an electronic music marker integrated audio playback device (section 0030, line 1 – section 0031, line 13).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Rautila to include said data marker integrated device includes one of an electronic music marker integrated radio and an electronic music marker integrated audio playback device as taught by Lehtonen. One of ordinary skill in the art would have been lead to make such a modification to provide music to a network device through a data marker integrated device that includes a radio to provide real-time music or an audio playback device to provide music that has been stored.

Regarding claim 27, the method of claim 25, wherein Rautila does not disclose including deleting said one or more data marks after receiving said transmission acknowledgement message.

Lehtonen discloses a data marker integrated device communication system (Fig. 3), comprising:  
a data marker integrated device (Fig. 3, 21) configured to store one or more data marks (section 0030, line 1 – section 0031, line 13);  
a network device (Fig. 3, 22) configured to establish wireless communication with the data marker integrated device to receive said one or more data marks from said data marker integrated device (section 0037, line 1 – section 0039, line 10); and  
the Internet configured to connect to said network device for data communication (section 0036, lines 1-11; section 0041, lines 4-8).

Wherein Lehtonen further discloses including deleting said one or more data marks after receiving said transmission acknowledgement message (section 0052, lines 1-13).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Rautila to include deleting said one or more data marks after receiving said transmission acknowledgement message as taught by Lehtonen. One of ordinary skill in the art would have been lead to make such a modification free up storage to store more data marks.

Regarding claim 37, the method of claim 31, wherein Rautila does not disclose including deleting said stored data mark.

Lehtonen discloses a data marker integrated device communication system (Fig. 3), comprising:

a data marker integrated device (Fig. 3, 21) configured to store one or more data marks (section 0030, line 1 – section 0031, line 13);

a network device (Fig. 3, 22) configured to establish wireless communication with the data marker integrated device to receive said one or more data marks from said data marker integrated device (section 0037, line 1 – section 0039, line 10); and

the Internet configured to connect to said network device for data communication (section 0036, lines 1-11; section 0041, lines 4-8).

Wherein Lehtonen further discloses including deleting said stored data mark (section 0052, lines 1-13).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Rautila to include deleting said stored data mark as taught by

Lehtonen. One of ordinary skill in the art would have been lead to make such a modification free up storage to store more data marks.

### *Double Patenting*

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

9. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

10. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

11. Claims 1-43 are rejected on the ground of nonstatutory double patenting over claims 1-21 of U. S. Patent No. 6,650,534 by Tree since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patents.

The subject matter claimed in the instant application is the same as the subject matter of an electronic music marker device that stores one or more data marks claimed in the '534 patent. Claims 1-21 of the '534 patent also pertain to the same subject matter as the pending claims in the instant application.

12. Claims 1-43 are provisionally rejected on the ground of nonstatutory double patenting over claims 1-51 of copending Application No. 09/905,355 and claims 50, 52, 89, 91, and 118-125 of copending Application No. 09/126,007. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The disclosure and the pending claims of the referenced copending application and the instant application are claiming common subject matter, as follows: a data marker integrated device configured to store one or more data marks.

***Response to Arguments***

13. Applicant's arguments, see Amendment, filed 11-17-2004, with respect to claims 1-43 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made. Please see all rejection(s) above.

14. Accordingly, this action is **NON-FINAL**.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent No. 6,965,770 by Walsh et al discloses a dynamic content delivery responsive to user requests wherein a Bluetooth enabled mobile communications unit is used to communicate with a server in order to make a request for the delivery of specific content, e.g. a song (Not this is not considered prior art based on the filing date)

16. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-8300 (for formal communications intended for entry)

**Or call:**

(571) 272-2600 (for customer service assistance)

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.


Art Unit: 2645

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh

December 15, 2005



**FAN TSANG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**